

## INTRADEPARTMENTAL CORRESPONDENCE

February 6, 2020  
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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 013-19

Honorable Members:

The following is my review, analysis and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 013-19. A Use of Force Review Board (UOFRB) was convened on this matter on January 6, 2020. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### **SUMMARY<sup>1</sup>**

On April 10, 2019, the Metropolitan Division Crime Impact Team (CIT), began an operation in conjunction with North Hollywood Robbery Detectives to locate and capture suspect W. Crawford who was wanted for Robbery/Carjacking.<sup>2</sup> During the operation, information was shared and disseminated, which included Crawford's criminal history, pictures of the weapon used (a sawed-off shotgun), his physical descriptors, and a description of the possible vehicle driven by the suspect. Crawford was not apprehended on that day and remained outstanding.

On April 14, 2019, at approximately 1300 hours, Officer J. Luna, Serial No. 34651, Metropolitan Division CIT, and Officer B. Nielson, Serial No. 36445, Metropolitan Division, C Platoon, were working the Transit Services Division (TSD) Metropolitan Transit Authority (MTA) overtime detail. The officers were assigned to a fixed post at the Metro Station located at West 7<sup>th</sup> Street and Hope Street. During roll call, the TSD watch commander had discussed the Department's de-escalation policy and the roles and responsibilities of contact and cover designations.

According to Officer Luna, he had worked and trained around Officer Nielson for approximately *five to six years* while he was previously assigned to Metropolitan Division, *C Platoon*. Additionally, he had discussed contact and cover roles with Officer Nielson on a prior TSD

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<sup>1</sup> The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

<sup>2</sup> Leading up to the date of the incident, CIT officers were briefed and in search of Crawford for his involvement in a series of crimes, beginning on March 27, 2019 (Robbery/Carjacking (DR No. 1915-09183); Assault with a Deadly Weapon with a Firearm (DR No. 1915-07593); Criminal Threats (Lost Hills Sheriff's Department, Report No. 919-01828-2258).

MTA overtime detail assignment. However, they did not discuss tactics or contact and cover roles at the start of their watch on the day of the incident.

According to Sergeant C. Yzaguirre, Serial No. 27097, Metropolitan Division, CIT, on April 14, 2019, he was off-duty when he received a notification of Crawford's possible location. Sergeant Yzaguirre *thought he should warn somebody for officer safety and the public*. He was aware that many of his CIT officers work the MTA TSD overtime details. Sergeant Yzaguirre sent a *group text* to the CIT officers inquiring about who was working and discovered that Officer Luna was *working downtown*. Sergeant Yzaguirre called Officer Luna and advised him that Crawford was in Officer Luna's *area*. At *1354 hours*, Sergeant Yzaguirre used his work cellphone to *send* Officer Luna a picture of the *frontal view* of Crawford. Additionally, he advised Officer Luna that if he did *see Crawford*, to *get the backup and do all the normal protocols* the Department uses. (**Additional Tactical Debrief Topics – Notification Protocol**).

**Note:** Both Officer Luna and Sergeant Yzaguirre were involved in the prior CIT operation to locate and capture Crawford.

According to Officer Luna, he received a *phone call* from Sergeant Yzaguirre. Sergeant Yzaguirre *informed* Officer Luna that Crawford was in the area and to *be aware*. Officer Luna recalled Crawford from the previous operation and *knew* that Crawford was *wanted* for a *carjacking* with a *shotgun* and for *threatening his family*. Officer Luna advised Officer Nielson that Crawford was in their *area* and showed Officer Nielson the *photograph* of Crawford. Additionally, Officer Luna informed Officer Nielson of the crimes Crawford was *wanted* for and the *type of weapon used during the commission of the crime*. Officer Luna instructed Officer Nielson that if they observed Crawford, they would request a *backup before making contact* with Crawford (**Debriefing Point No. 1**).

The FID investigation determined that Sergeant Yzaguirre informed Officer Luna of the information regarding Crawford's location at 1354 hours.

According to Officer Nielson, Officer Luna provided him with *updates* and showed him a *picture* of Crawford. Additionally, Officer Luna informed Officer Nielson that Crawford may be in the area. Luna advised him that Crawford was wanted for *carjacking* and the weapon used was a *shotgun*. Officer Nielson believed that if they located and positively identified Crawford, Officer Luna would *coordinate* a tactical plan with Sergeant Yzaguirre to *have the CIT officers conduct the apprehension* (**Debriefing Point No. 1**).

According to the FID investigation, Officers Luna and Nielson walked down the to the mezzanine level of at the 7<sup>th</sup>/Metro Center at 1412 hours.

According to Officer Luna, they continued the foot beat around their assigned MTA platform area. The officers walked downstairs to the *platform levels*. Officer Luna observed the *side profile* of a *male white* that *matched the height* of Crawford with *tattoos* on *one of his arms*, at the *tap machine* possibly *purchasing a ticket*. Officer Luna observed the male from an approximate distance of *ten yards* and was not able to see *his face* or positively identify him as

Crawford. Officer Luna *wanted to* make a positive identification of the wanted suspect before he requested additional resources. He felt the possibility of the male being Crawford was low because he *expected* Crawford to be in the *Charger* vehicle that they were searching for during the previous CIT operation with North Hollywood Detectives. Additionally, there was nothing *distinctive*, like a *specific tattoo*, to assist him in positively identifying Crawford.

**Note:** The male observed by Officer Luna was later identified to be Crawford.

According to Officer Nielson, the male *loosely fit the description* of Crawford. The male (Crawford) walked past the officers and *upstairs* towards 7<sup>th</sup> Street. Officer Luna told Officer Nielson he believed the male was Crawford and Officer Luna *wanted to get a better look at him*. Officer Nielson did not request additional resources at this time because, *in his mind*, he believed Officer Luna was *handling the tactical planning aspect* with CIT resources (**Debriefing Point No. 1**).

According to Officer Luna, he and Officer Nielson began to follow Crawford up the *escalators* while maintaining an approximate 20-yard distance behind him. The officers followed Crawford up an escalator *towards the landing that leads down to the sidewalk* of 7<sup>th</sup> Street. Crawford was nearing the area at the top of the steps when Officer Luna *yelled in his direction*, “Excuse me Sir.” Crawford did not react and continued walking *eastbound on 7<sup>th</sup> Street on the south curb*. Officer Luna temporarily lost sight of Crawford and believed Crawford *picked up his pace*. Officer Luna *jogged a couple of steps to close the distance*. Officer Luna observed Crawford approximately 20 yards ahead of him and *yelled again*, “Excuse me, Sir.” Crawford *looked over his shoulder* and observed Officer Luna. Crawford then immediately started running. As Crawford looked over his shoulder, Officer Luna positively identified him as the wanted suspect and advised Officer Nielson. Officer Luna initiated a foot pursuit of Crawford in containment mode. Officer Luna maintained an approximate distance of *15 to 20 yards* from Crawford. Crawford ran eastbound 7<sup>th</sup> Street to southbound Hope Street on the east side walk. Officer Luna *diagonally ran paralleling Crawford southbound on Hope Street*. Officer Luna again stated to Crawford stating, “Hey, I just want to talk to you.” Crawford stopped running and backed himself into an *alcove opening* that was located a *couple of yards south of 7<sup>th</sup> Street and Hope Street* (**Debriefing Point No. 2**).

According to Officer Nielson, *as soon as Crawford looked back, Crawford instantly turned around and began running eastbound* away from the officers. Officer Nielson removed his side-handle baton from its ring and held it with his support-side (left) hand in the *basic carry position*. The officers pursued Crawford on foot toward Hope Street. As Officer Nielson ran behind Officer Luna as the *second officer*, it was Officer Nielson’s *responsibility to broadcast the foot pursuit*. Officer Nielson stated that he was unable to broadcast the foot pursuit because, as he was running, he was holding his side-handle baton in his left hand and his handheld radio was also on his left side (**Debriefing Point No. 2**).

According to Officer Nielson, as Crawford slowed, Officer Nielson redeployed towards a *planter*, while Officer Luna continued southbound. Officer Nielson opined Officer Luna moved in order to *triangulate* on Crawford. Officer Luna gave Crawford orders to “stop” and to “get on

the ground." Officer Luna also told Crawford, "It's not worth it." Crawford backed into an *alcove of a closed business* where he *squared his body up to Officer Luna*. Officer Nielson assessed the background of the alcove and observed it to be *a glass atrium with wood or posters blocking the glass as though it was being renovated*.

**Note:** The FID investigators determined and presented at the UOFRB that the alcove was a non-functioning entrance and had been closed with drywall.

According to Officer Luna, Crawford *immediately brought his backpack forward, simultaneously* stating "I'm going to shoot you. I'm going to kill you." Crawford then began *working the zipper* of the backpack. Officer Luna ordered Crawford to drop the backpack. Officer Luna *feared for* his safety and that of his partner. Officer Luna drew his service pistol because he believed that Crawford was going to *pull something from within his backpack or person and shoot the officers* (**Drawing /Exhibiting**).

According to Officer Nielson, he observed that Crawford *swung his backpack in front of his body and reached inside with his right hand while cradling the bottom of the backpack with his left hand*. Officer Nielson heard Crawford state that he was going to *shoot Officer Luna*. Officer Nielson believed that Crawford was *arming himself. Fearful that the tactical situation was going to escalate to use of deadly force*, Officer Nielson *threw his side handle baton into the planter* and drew his service pistol (**Additional Tactical Debriefing Topic– Maintaining Control of Equipment and Drawing/Exhibiting**).

According to Officer Luna, Crawford ignored his commands and pulled a *short compact shotgun* out of the backpack. Officer Luna yelled, "Gun" and moved southbound toward a *planter* for cover.<sup>3</sup>

According to Officer Nielson, Crawford began to pull the *pistol grip* of a *sawed-off shotgun* from out of his backpack. Officer Nielson recalled he or Officer Luna stating, "Gun." Simultaneously, Crawford raised the backpack and *pointed it at Officer Luna*. Officer Nielson was in fear that Crawford was going to *fire the partially concealed shotgun from inside the backpack*. To protect Officer Luna, and citizens in Officer Luna's background from *serious bodily injury or death*, Officer Nielson fired *three to five rounds* at Crawford from his service pistol (**Lethal Use of Force**).<sup>4</sup>

According to Officer Luna, Crawford removed the *shotgun* from his backpack and *pointed it in his direction*. Crawford held the shotgun at *waist level* and *tracked* Officer Luna's movement with the shotgun. Officer Luna believed Crawford's *shotgun* was going to *go off any split*

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<sup>3</sup> The investigation revealed that Crawford was armed with a short barrel, break-open, 12-gauge shotgun that was loaded with two live shot shells. Crawford had five live shot shells in a top saddle attached to the shotgun and twelve additional loose shot shells inside of his backpack.

<sup>4</sup> According to Officer Nielson, there was a similar incident in Wilshire Area wherein a suspect fired a shotgun from inside a bag and seriously injured another officer.

*second.* In fear for his *life*, Officer Luna fired *three to four rounds* from his service pistol as he moved southbound to cover behind a planter (**Lethal Use of Force**).

According to Officer Nielson, he observed Crawford *back into the corner of the alcove*. Officer Nielson was *unable to see* Crawford from his position because the *corner of the alcove* was *shattered and obstructed his view*. Officer Luna had taken *cover by another planter south of* Officer Nielson. Officer Nielson then repositioned *southbound* using an *accelerated pie to get eyes on* Crawford. Officer Nielson used the *corner of the alcove* as a *tiny piece of cover* (**Debriefing Point No. 3**).

According to Officer Luna, he moved to cover and *crouched* by the planter at *knee level*. Officer Luna observed Crawford moving *backwards*, but Crawford remained *upright* and did not *fall or drop* the *shotgun*. Officer Luna believed that Crawford was possibly wearing a *ballistic vest*. Officer Luna fired an additional *three to four rounds* from his service pistol to stop Crawford's deadly actions. Officer Luna assessed as he fired, firing his final round aimed at Crawford's *head* (**Lethal Use of Force**).

**Note:** The investigation revealed that Officer Luna fired a total of seven rounds from his service pistol from an increasing distance of approximately 25 to 30 feet.

According to Officer Nielson, he observed Crawford now in a *seated position with his back resting against the north side of the alcove*. Crawford held the backpack *on his lap* and held the *shotgun with his left hand* while his legs were *extended in front of him*. The officers *communicated with Crawford again*. Crawford *looked towards Officer Luna's position* and began to *bring the shotgun up again*. Officer Nielson fired an additional *two to three rounds slower* while assessing Crawford's actions. Officer Nielson fired at Crawford to prevent him *from firing at Officer Luna or any bystanders* (**Lethal Use of Force**).

**Note:** The investigation revealed that Officer Nielson fired a total of seven rounds from his service pistol from a decreasing distance of approximately 30 to 25 feet.

According to Officer Nielson, after his second volley of rounds, Crawford *stopped moving and his head slumped forward*.

According to Officer Luna, Crawford *appeared nonresponsive*, but the *shotgun and his hand* were to the *left of Crawford's body* facing down range towards Officer Luna. Officer Luna did not want to be *down range* of the shotgun; consequently, he redeployed to Officer Nielson's position. Officer Luna also wanted to *make sure that Officer Nielson was okay* (**Debriefing Point No. 3**).

According to Officer Luna, he broadcast a *help call* and advised Officer Nielson that he was going to conduct a *tactical reload*. After completing the tactical reload, Officer Luna then used his cellphone to call Sergeant Yzaguirre and advised him that they had located Crawford and that an OIS had ensued (**Additional Tactical Debrief Topics – Situational Awareness**).

Officer J. Carrillo, Serial No. 34761, Emergency Services Division (ESD), working TSD overtime, responded to the help call along with Sergeants B. Rutkowski, Serial No. 40190, and J. Medina, Serial No. 38401, Central Patrol Division. Sergeant Rutkowski identified Officers Luna and Nielson as the involved officers and separated them from the ongoing tactical incident. Sergeant Medina, along with Officer Carrillo, coordinated additional responding Department personnel to form the arrest team that took Crawford into custody without further incident (**Additional – BWV Activation, Profanity, Preservation of Evidence, Supervisors Log Discrepancies, and Command and Control**).

Officer J. Heras, Serial No. 42403, 77<sup>th</sup> Patrol Division, working TSD overtime, responded and broadcast a request for a Rescue Ambulance (RA). Los Angeles Fire Department (LAFD) personnel responded to the location and rendered medical aid to Crawford for multiple gunshot wounds. Crawford was pronounced deceased at scene at 1428 hours by LAFD personnel.

Sergeant R. Ruiz, Serial No. 38154, Central Patrol Division, responded and separated and monitored Officers Luna and Nielson. Sergeant Ruiz obtained a Public Safety Statement (PSS) from Officer Nielson.

Sergeant A. White, Serial No. 27743, Central Patrol Division, responded and obtained a PSS from Officer Luna.

## **FINDINGS**

**Tactics – Administrative Disapproval, Officers Luna and Nielson.**

**Drawing/Exhibiting – In Policy, No Further Action, Officers Luna and Nielson.**

**Lethal Use of Force – In Policy, No Further Action, Officers Luna and Nielson.**

## **ANALYSIS<sup>5</sup>**

### **Detention**

Officers Luna and Nielson were working a TSD overtime detail. Officer Luna telephonically received information that Crawford, a known armed felony suspect, was possibly in the area. Officer Luna had previous knowledge of Crawford from his primary duty assignment in the Metropolitan Division Crime Impact Team. Officer Luna shared this information with Officer Nielson, and the two continued their foot beat assignment. A male matching the description of Crawford was observed by the officers. The officers followed the male and attempted to positively identify him. When the male turned, Officer Luna recognized him as being Crawford and a foot pursuit ensued. Crawford produced a sawed-off shotgun from his backpack and

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<sup>5</sup> The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

pointed the barrel at Officer Luna, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

## TACTICS

Department policy relative to Tactical Debriefs is: "*The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance*" (*Los Angeles Police Department Manual, Volume 3, Section 792.05*).

Department policy relative to Administrative Disapproval is: "*A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training*" (*Los Angeles Police Department Manual, Volume 3, Section 792.05*).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

### Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Officer Luna had pre-existing knowledge of Crawford's crimes and the investigation which originated in the North Hollywood Area. Officer Luna stated that he planned to request a backup upon locating Crawford. Officer Nielson believed that they were in surveillance mode only and believed that Officer Luna would coordinate with CIT resources to take Crawford into

custody. Officer Nielson did not have any further delineation of how this would actually occur and what his role would have been.

The UOFRB was critical of the officers' lack of planning, and I concur with the UOFRB with my own assessment. I would have preferred that Officers Luna and Nielson had developed a plan specifically for when they encountered Crawford and had assigned specific contact and cover roles. Although they were both assigned to Metropolitan Division and were familiar with each other, they would have benefitted from a more developed plan. The plan should have also considered the involvement of additional resources, such as additional officers or an airship.

**Assessment** – Both officers utilized fire control, assessing between each round and volleys of fire, during a rapidly escalating tactical situation, to protect themselves from an active deadly threat. The actions of Crawford were also continually assessed by the additional responding officers who took him into custody without incident.

**Time** – Upon initial observation of Crawford and throughout the foot pursuit, the officers maintained an approximate 20 to 30-yard distance from Crawford. This afforded the officers the time to assess the situation and respond accordingly. Once Crawford ran into the alcove and presented the shotgun at the officers, the officers were not afforded any additional time and the OIS ensued. Once Crawford was contained in the alcove, the additional responding officers and supervisors utilized time to formulate a plan to take Crawford into custody without incident.

**Redeployment and/or Containment** – Upon observation of Crawford's shotgun, Officer Luna redeployed to nearby cover during Officer Luna's first volley of rounds. When Crawford backed further into the alcove, Officer Nielson moved away from cover to maintain visual contact with Crawford and continue to protect Officer Luna from the ongoing deadly threat. After the end of the OIS, Officers Nielson and Luna were redeployed away from the immediate vicinity by the responding supervisor who had identified them as being substantially involved in the incident. The additional responding officers continued to contain Crawford until an arrest team was formed.

**Other Resources** – Post OIS, Officer Luna utilized his handheld radio to broadcast an “Officer Needs Help” call. Additional Department personnel responded, along with a LAFD RA. Responding officers deployed additional equipment, including a ballistic shield, to safely resolve the incident.

**Lines of Communication** – During the foot pursuit, Officer Luna attempted to detain Crawford by calling out to him, stating that the officers just wanted to speak to him. When Crawford began to remove the shotgun from his backpack both officers communicated with each other stating “gun.” Officer Luna gave Crawford clear and direct orders to drop the gun in an attempt to deescalate the situation.

The UOFRB noted while the officers communicated with each other and the responding Department personnel following the critical incident, the officers' lack of communication prior to contacting Crawford put them at a significant tactical disadvantage. This incident occurred in

a busy area of the City of Los Angeles. Numerous citizens, acknowledged by Officer Nielson during his FID interview, were in the vicinity of the incident. The history of criminal activity conducted by Crawford presented a significant concern for the safety of the community, as well as the officers. Both Officers Luna and Nielson did not communicate and develop an adequate plan.

During the review of the incident, the following Tactical Debriefing Points were noted:

**Debriefing Point No. 1      Tactical Planning/Communication (Substantial Deviation – Officers Luna and Nielson)**

*Officers must approach every contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

*In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:*

- *advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),*
- *avoid inappropriate interruptions, and*
- *avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).*

Officers Luna and Nielson failed to develop and communicate a tactical plan for encountering the armed felony suspect who they were advised was in the area.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officers Nielson and Luna did not completely develop or communicate a tactical plan, either with each other or with the inclusion of other officers. The UOFRB opined there was sufficient time prior to locating Crawford to formulate a plan and that this lack of communication and planning put the officers at a distinct tactical disadvantage. The UOFRB noted that both Officer Luna and Nielson are experienced officers assigned to Metropolitan Division with experience in conducting investigations. Officer Luna was well aware of the

danger to public safety that Crawford posed, having been involved in the attempts to apprehend Crawford by the Metropolitan CIT. Officer Nielson believed that upon locating Crawford, Officer Luna would coordinate with CIT personnel to take Crawford into custody. Officer Nielson did not indicate he was aware of what that plan would be, nor what his role would have been. According to Officer Luna, he advised Officer Nielson that upon locating Crawford, the officers would request a backup to take Crawford into custody. The UOFRB noted that both Officers Luna and Nielson did not have a clear plan developed, nor an understanding of their roles in the event they located Crawford. Additionally, the officers did not discuss contact and cover roles.

Based on the totality of the circumstances, the UOFRB determined, and I concur that Officers Luna and Nielson's lack of planning and communication was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief

**Debriefing Point No. 2      Code Six/Foot Pursuit Broadcast (Substantial Deviation – Officers Luna and Nielson)**

*When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.*

*Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:*

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a backup, assistance, or help location.*

*Note: The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

*Effective communication is essential during foot pursuits. Due to the rapidly unfolding situation, officers may not be able to include complete information in the initial broadcast. Additional information may be provided when tactically sound to do so.*

*Primary Officer: The officer whose primary responsibility is to focus on the threat posed and direction of travel of the suspect. The primary officer is usually the officer in front and closest to the suspect and in a position of advantage to assess any threat posed, give commands and direct the tactics of the pursuit. The role of the officer may change during the course of the foot pursuit, and the primary officer may become the secondary officer.*

*Secondary Officer: While the primary officer focuses on the suspect, the secondary officer focuses on the safety of the primary officer and responding personnel. The secondary officer broadcasts the location and direction of the pursuit; requests additional resources and coordinates their response and direction of travel. The role of the officer can change during the course of the foot pursuit and the secondary officer can quickly become the primary officer (Los Angeles Police Department Use of Force – Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Both Officers Luna and Nielson did not advise Communications Division (CD) of their location when they observed and subsequently followed Crawford onto the platform. Additionally, Officer Nielson did not broadcast that they were in foot pursuit of Crawford, nor did he provide critical information about the direction of the foot pursuit and the crime Crawford was wanted for.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable.

As a general concept, I expect the primary officer in a foot pursuit to focus on the suspect, rather than coordinating resources, and the secondary officer in a foot pursuit to assume the responsibility for such broadcasts. The concept of effective communication via a radio broadcast cannot be compromised.

In this case, the officers were Code Six at a fixed post for their assignment at TSD. However, their Code Six location changed when the officers began following Crawford and they made an attempt to identify and detain him. Neither Officer Luna, nor Officer Nielson updated CD of their Code Six location or create a new Code Six incident. The UOFRB opined that the officers had sufficient time to broadcast their Code Six location, as well as any other relevant information, prior to making contact with Crawford and initiating their investigation. Additionally, the officers left the area of their original Code Six location, went into foot pursuit of Crawford, and no broadcast of their foot pursuit was made. An accurate Code Six location and the broadcast of a foot pursuit are both important aspects of maintaining officer safety.

According to Officer Nielson, because he was the secondary officer, it was his responsibility to broadcast the foot pursuit. During the foot pursuit, Officer Nielson ran with his side-handle baton in his support hand. Officer Nielson believed that he was unable to reach his handheld radio, which was also on his support side, to broadcast. Officer Nielson did not transition the side-handle baton to his primary hand to enable him to use his handheld radio to broadcast. While holding the side-handle baton in the support side hand is not prohibited by Department policy, in this case, Officer Nielson's decision to maintain the side-handle baton in his support hand limited his tactical options, specifically his ability to broadcast important information on his handheld radio.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Luna and Nielson's failure to broadcast an update to the Code Six location and nature of investigation, or to broadcast a new Code Six location when they decided to follow and attempt to stop Crawford, was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

In addition, Officer Nielson's failure to advise CD when they went in foot pursuit of Crawford, was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 3      Utilization of Cover (Substantial Deviation – Officer Luna)**

*"Cover" is a term often associated with combat tactics. Under such conditions, cover refers to anything that may stop or deflect an opponent's weapon (e.g., brick walls, buildings, portion of the vehicle with the engine block, etc.) (California Commission on Peace Officers Standards and Training, Learning Domain 21).*

*There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department Training Bulletin, Weapons Other Than Firearms, Volume XLVI, Issue 3, October 2017).*

Officers Nielson and Luna left their positions of cover while encountering an armed suspect.

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officer Luna left his position of cover after the OIS and moved to Officer Nielson's exposed position. The UOFRB noted that while at this position, Officer Luna conducted a tactical reload of his pistol, which required him to depend on Officer Nielson to provide lethal force cover as Officer Luna did not utilize any barricade cover. Upon completion of the tactical reload, Officer Luna remained exposed, without the benefit of any cover, and completed a cellphone call to Sergeant Yzaguirre informing him that Officer Luna had been involved in an OIS with Crawford.

Officer Nielson placed himself behind a planter that provided him with limited cover in his first volley of rounds during the OIS. However, Officer Nielson left his position of cover in order to maintain visual contact of Crawford and was subsequently exposed during his second volley of rounds. The UOFRB conducted a detailed discussion and analysis of Officer Nielson's actions in regards to his use of cover and his leaving of said cover. While not an ideal tactic, the decision by Officer Nielson to leave cover was based on the tactical situation. The UOFRB considered Officer Nielson's actions to contain Crawford. The UOFRB also considered the officers' need to continually assess Crawford's actions. Crawford was not contained inside of a structure, but rather was contained in an exposed alcove. Officer Nielson's position allowed him to maintain observation, and thus contain Crawford.

Based on the totality of the circumstances, the UOFRB has determined and I concur that Officers Luna's decision to leave his position of cover, was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

In the case of Officer Nielson, based on the totality of the circumstances, I have determined that Officer Nielson's decision to leave his position of cover, was a substantial deviation, with justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Notification Protocol** – The investigation revealed that Sergeant Yzaguirre notified some of the personnel assigned to CIT, along with Officer Luna, of Crawford's potential location. While Sergeant Yzaguirre was concerned for the safety of CIT personnel in the area, he should have also additionally notified the Central Area and TSD commands. Officer Luna, who was also aware of the information related to Crawford's possible location, only informed his assigned partner, Officer Nielson. Officer Luna should have also notified personnel in the area of this information, including the Central Area and TSD commands. Both Sergeant Yzaguirre and Officer Luna are reminded of the importance of the dissemination of information as it relates to officer safety. I will direct that this be a topic of discussion during the Tactical Debrief.

**Maintaining Control of Equipment** – The investigation revealed that Officer Nielson threw his side-handle baton into a planter as he drew his service pistol. Although this incident rapidly escalated, in the effort to enhance future performance, Officer Nielson is reminded, whenever tactically feasible, of the importance of maintaining control of his equipment. I will direct that this be a topic of discussion during the Tactical Debrief.

**Situational Awareness** – The investigation revealed that subsequent to the OIS, Officer Luna utilized his personal cellphone to contact his regularly assigned Metropolitan Division CIT supervisor prior to the response of additional resources. I would have preferred that Officer Luna coordinate and communicate with the first responding supervisor and wait until Crawford was taken into custody. Officer Luna is reminded that the proper notification procedure

following a CUOF incident is to an on-duty supervisor, not to an off-duty supervisor who is not involved in the incident. I will direct that this be a topic of discussion during the Tactical Debrief.

### **COMMAND AND CONTROL**

*Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

In reviewing this incident, the UOFRB acknowledged the responding officers' and supervisors' overall effectiveness in response to the OIS and the development of a tactical plan to take Crawford into custody without further incident and the proper implementation of post categorical incident protocols.

Officer Carrillo was the first responding officer to arrive at the scene in response to the help call. Officer Carrillo took an active leadership role and demonstrated a calm and composed demeanor upon arrival to the post-OIS scene. Officer Carrillo maintained clear lines of communication with responding officers and supervisors and directed them to cover. Officer Carrillo appointed himself as the Designated Cover Officer (DCO) and formulated a coordinated and controlled approach with Sergeant Medina to take Crawford into custody. Additionally, Officer Carrillo ensured ingress and egress routes were established for the responding RA in consideration and reverence for the suspect's life. In my overall assessment, Officer Carrillo demonstrated active leadership and met my expectations of a senior officer at the scene of a critical incident.

Sergeant Rutkowski responded to the scene and identified Officers Luna and Nielson as being involved in the OIS and removed them from the arrest team.

Sergeant Medina responded to the scene, provided tactical oversight, and directed the arrest team in taking Crawford into custody. While Sergeant Medina's attention was focused on directing the arrest team, officers at the location secured and downloaded Crawford's shotgun, thereby

manipulating evidence. While I would have preferred that Sergeant Medina have provided direction in the preservation of evidence, Sergeant Medina did not observe the officers' actions and did not intervene.

Sergeant Ruiz responded and separated and monitored Officers Luna and Nielson. Sergeant Ruiz obtained a Public Safety Statement (PSS) from Officer Nielson.

Sergeant White responded and obtained a PSS from Officer Luna.

The responding supervisors completed necessary tasks and provided supervision and control of the on-going tactical incident. While the incident was being managed by the supervisors, I would have preferred that one of the first responding supervisors declare themselves the Incident Commander (IC). The actions of Sergeants Rutkowski, Medina, Ruiz, and White were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

### **Tactical Debrief**

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officers Luna and Nielson actions were a substantial deviation, without justification, from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

**Note:** Both Officers Luna and Nielson have recommending Findings of Administrative Disapproval for Tactics. Both Officers Luna and Nielson have been determined to have substantially deviated, without justification, in the debriefing points of Tactical Planning/Communication and Code Six/Foot Pursuit Broadcast. Officer Luna has been determined to have substantially deviated, without justification, in the Utilization of Cover.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although, it was determined that Sergeant Yzaguirre was not substantially involved in this incident and did not receiving formal findings, the UOFRB recommended, and I concur, that he would benefit from attending the Tactical Debrief. Therefore, I will direct that Sergeant Yzaguirre, along with Officers Luna and Nielson, attend a Tactical Debrief and that the specific identified topics are discussed

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code Six);

- Tactical Planning;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

On April 25, 2019, Officers Luna and Nielson attended a GTU. All mandatory topics were covered, including Reverence for Human Life and Force Option Simulator.

#### **Drawing/Exhibiting**

Department policy relative to drawing and exhibiting a firearm is: "*An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified*" (*Los Angeles Police Department Manual, Volume No. 1, Section 556.80*).

According to Officer Luna, Crawford immediately brought his backpack forward, simultaneously stating "I'm going to shoot you. I'm going to kill you." Crawford then began working the zipper of the backpack. Officer Luna ordered Crawford to drop the backpack. Officer Luna feared for his safety and that of his partner. Officer Luna drew his service pistol because he believed that Crawford was going to pull something from within his backpack or person and shoot the officers.

Officer Luna recalled,

*...He immediately brought his backpack forward, and I mean, simultaneously he's bringing his backpack forward and telling us, "I'm going to shoot you. I'm going to kill you." ... He started working the zipper on the backpack... When -- as soon as he started saying that, like, "I'm going to shoot you. I'm going to shoot you. I'm going to kill you guys," at that point that's when I started pulling my firearm.<sup>6</sup>*

*Believing that I feared for my safety and my partner's safety. That he was actually going to pull something from within the backpack or within his person and actually continue to act with what he has told us, that he was going to shoot us and kill us.<sup>7</sup>*

According to Officer Nielson, he observed that Crawford swung his backpack in front of his body and reached inside with his *right hand* while *cradling the bottom of the backpack* with his *left hand*. Officer Nielson heard Crawford state that he was going to *shoot Officer Luna*. Officer Nielson believed that Crawford was *arming himself*. *Fearful that the tactical situation was going to escalate to use of deadly force*, Officer Nielson *threw his side handle baton into the planter* and drew his service pistol.

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<sup>6</sup> Officer Luna, Page 11, Lines 13-16 ; Page 47, Lines 3-6

<sup>7</sup> Officer Luna, Page 47, Lines 10-14

Officer Nielson recalled,

*As soon as the suspect stopped like I said he -- he squared his upper body up to -- to Officer Luna. He took a black and red backpack off of his back and swung it up and with his left hand was cradling underneath the backup and with his right hand he stuck it into -- he unzipped [sic] and stuck his hand into the top of the backpack. I still had my PR-24 in my hand. That was the point where I felt that the suspect was arming himself, so I threw my PR-24 into that planter I was just describing and went to draw my pistol.<sup>8</sup>*

*And -- I'm sorry, right before that when --when the suspect had squared up and --and started retracting the -- the shotgun out of his backpack he told Officer Luna, I forget the exact quote but something --something to the effect of yeah, I'm going to shoot you or yeah, I'm going to shoot you motherfucker... I unholstered because the tactical situation had escalated to the use of deadly force or I was fearful it was going to escalate to the use of deadly force.<sup>9</sup>*

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Luna and Nielson's Drawing/Exhibiting. The UOFRB noted that both officers heard Crawford's statement about his intent to shoot them as he armed himself with a shotgun.

As such, based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Luna and Nielson, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Luna and Nielson's Drawing/Exhibiting to be In Policy, No Further Action.

**Note:** In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

#### **Use of Force – General<sup>10</sup>**

*It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*

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<sup>8</sup> Officer Nielson, Page 9, Lines 20-25 and Page 10, Lines 1-4.

<sup>9</sup> Officer Nielson, Page 10, Lines 9-14 and Page 28, Lines 12-14

<sup>10</sup> Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

*The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

### **Lethal Use of Force**

*Law enforcement officers are authorized to use deadly force to:*

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

**Officer Luna – .45 caliber, seven rounds in two volleys, in an easterly direction from approximate increasing distance of 25 to 30 feet.**

**First Volley – Three to four rounds.**

According to Officer Luna, Crawford removed the shotgun from his backpack and pointed it in his direction. Crawford held the shotgun at waist level and tracked Officer Luna's movement with the shotgun. Officer Luna believed Crawford's shotgun was going to go off any split second. In fear for his life, Officer Luna fired three to four rounds from his service pistol as he moved southbound to cover behind a planter.

Officer Luna recalled,

*So as he started manipulating the backpack reaching for that shotgun from inside his -- from within his backpack, I started moving towards the side of the planter. And that's when he pulled it out, pointed it -- and started pointing it in our direction, brought it up, pointed in our direction. And that's when I shot, like, three or four had [sic] shots on the move.<sup>11</sup> And he stood there, and that's when he was aiming it as I was moving, he's like, you know, I saw him tracking me as he -- as he was pulling it out. Like, he was able to see him, like, coming in my direction with it.<sup>12</sup>*

*I believe -- I feared for my life. I thought -- I was expecting that shotgun to go off any split second.<sup>13</sup>*

**Second Volley – Three to four rounds.**

According to Officer Luna, he moved to cover and crouched by the planter at knee level. Officer Luna observed Crawford moving backwards, but Crawford remained upright and did not fall or drop the shotgun. Officer Luna believed that Crawford was possibly wearing a ballistic vest. Officer Luna fired an additional three to four rounds from his service pistol to stop Crawford's deadly actions. Officer Luna assessed as he fired, firing his final round aimed at Crawford's head.

Officer Luna recalled,

*Got myself to the planter. And then he was still coming down with the shotgun, and I shot an additional three to four shots.<sup>14</sup>*

*I didn't know if, you know, if he had some sort of ballistic, you know, vest. Because like I said, his body -- the reaction that I got was him going -- his body going backwards, but he wasn't -- he didn't fall. He didn't fall, so he was still upright and the shotgun, so I figure, you know, immediately when I assess, like I said, the assessment was quick. I went back again to center mass, chest level to shoot again, and then my last shot I went to the head.<sup>15</sup>*

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<sup>11</sup> Officer Luna, Page 12, Lines 3-10

<sup>12</sup> Officer Luna, Page 51, Lines 8-12

<sup>13</sup> Officer Luna, Page 49, Lines 23-25

<sup>14</sup> Officer Luna, Page 12, Lines 10-12

<sup>15</sup> Officer Luna, Page 81, Lines 16-24

**Officer Nielson** – 9mm, seven rounds in two volleys, in an easterly direction from an approximate decreasing distance of 25 to 30 feet.

**First Volley** – Three to five rounds.

According to Officer Nielson, Crawford began to pull the pistol grip of a sawed-off shotgun from out of his backpack. Officer Nielson recalled he or Officer Luna stating, "Gun." Simultaneously, Crawford raised the backpack and pointed it at Officer Luna. Officer Nielson was in fear that Crawford was going to fire the partially concealed shotgun from inside the backpack. To protect Officer Luna, and citizens in Officer Luna's background from serious bodily injury or death, Officer Nielson fired three to five rounds at Crawford from his service pistol.

Officer Nielson recalled,

*So, I was very concerned that he wasn't actually going to take the shotgun out of the bag. He was just going to fire it from that position because basically he was pointing the entire bag at Officer Luna. That's when I decided that Officer Luna was in jeopardy or [sic] serious body injury or death. There was also a hotel that was off to my right shoulder and there was lots of people probably in that intersection and behind me there was a lot of people. I mean maybe 50 or 100 people in that vicinity. It was maybe two o'clock in the afternoon on a Sunday. I had just driven over from Union Station, so the traffic was very heavy. There was tons peds out so I was very concerned that if he --if he fired that shotgun not only would Officer Luna be in extreme danger of being shot but also any of those people behind Officer Luna. I --I don't know if it's like a valet or a drop off or something behind that --that hotel but I was --I was very concerned about all the people there so I decided that I had to fire at the suspect to stop his actions. I fired approximately three to five rounds at him.<sup>16</sup>*

*It looked like the rear section, the rear receiver of a shotgun and a --just a pistol grip. And as soon as I saw that I was --and him put his right hand on it I was fearful that he was going to fire from inside that backpack.<sup>17</sup>*

*...so he had it up. It was pointed directly at Officer Luna.<sup>18</sup>*

*I saw his hand go to the pistol grip and that's -- that's when I decided I had to fire.<sup>19</sup>*

**Second Volley** – Two to three rounds.

According to Officer Nielson, he observed Crawford now in a seated position with his back resting against the north side of the alcove. Crawford held the backpack on his lap and held the shotgun with his left hand while his legs were extended in front of him. The officers

<sup>16</sup> Officer Nielson, Page 10, Line 25 and Page 11, Lines 1-20.

<sup>17</sup> Officer Nielson, Page 29, Lines 20-23

<sup>18</sup> Officer Nielson, Page 31, Lines 15-16

<sup>19</sup> Officer Nielson, Page 30 Lines 1-2

communicated with Crawford again. Crawford looked towards Officer Luna's position and began to bring the shotgun up again. Officer Nielson fired an additional two to three rounds slower while assessing Crawford's actions. Officer Nielson fired at Crawford to prevent him from firing at Officer Luna or any bystanders.

Officer Nielson recalled,

*The suspect backed into the corner of the alcove, so I guess the far northeast corner of the alcove and then I don't know if he fell down or just went into a seated position. I wasn't [sic] unable to see because a piece of --the corner of the alcove obstructed my view and had been shattered about by gunfire so I couldn't see... Officer Luna it looked like he was taking cover by another planter that was south of my location, so I repositioned myself southbound to get eyes on the suspect. As soon as I saw him again, he was -- he was just in a seated position on his --on his butt with his back leaned up against the north wall of the alcove. He -- he had the -- the backpack on his lap and he had his left hand down holding the shotgun. We -- we communicated with him again. At that point he looked up, looked directly at where Officer Luna was by the -- the second planter and I could see his left hand starting to raise the shotgun so I fired an additional two to three rounds at him to stop him from -- from firing at Officer Luna or firing at anybody to on the west side of -- of Hope because there's like I said numerous people that were out. After I fired those --the last two or three rounds I saw the suspect's action stop. After the suspect stopped his actions, I saw his -- his -- his head slightly drop and I saw his left hand slightly drop so I was still holding at gunpoint assessing his actions.<sup>20</sup>*

In this case, the UOFRB conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of both officers' use of lethal force. The UOFRB noted that this was a dynamic and rapidly unfolding incident. Both officers were forced to make a split-second decision to protect themselves and nearby citizens from the deadly threat of Crawford who was armed with a shotgun. Officer Luna perceived that Crawford was armed with a shotgun and was pointing it at him, posing a deadly threat. Officer Nielson perceived that Crawford was going to discharge his shotgun at either Officer Luna or other citizens in the area, thus posing a deadly threat. Officer Nielson observed Crawford look at Officer Luna and begin to raise his shotgun at Officer Luna, thus posing a deadly threat.

As such, based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Luna and Nielson, would reasonably believe that Crawford's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable. Therefore, I find Officers Luna and Nielson's Use of Lethal Force to be In Policy, No Further Action.

### **Additional/Equipment**

**Preservation of Evidence** – The investigation revealed that Officer J. Alvarado, Serial

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<sup>20</sup> Officer Nielson, Page 11, Lines 21-25 and Page 12 Lines 1-23.

No. 37317, Hollenbeck Patrol Division, working TSD overtime, moved the shotgun prior to the arrival of FID investigators. Officer Alvarado then gave the shotgun to Officer Heistermann, Serial No. 40755, Central Patrol Division, to render it safe. Officer Heistermann removed the shotgun shells from the barrel and handed it back to Officer Alvarado. Officer Alvarado then removed his latex glove and placed the two live shotgun rounds inside of the used glove. Officer Heistermann then removed one of his latex gloves and placed it between the barrel and the receiver of the shotgun. Officer Alvarado secured the shotgun in the trunk of the police vehicle assigned to Sergeant M. Lopez, Serial No. 37047, North Hollywood Patrol Division, working TSD overtime. Additionally, Officer Alvarado searched Crawford's backpack after the canopy was placed up and the crime scene was cordoned off.<sup>21</sup>

Sergeant Medina was in the vicinity when the above activities occurred. Although my expectation would have been for Sergeant Medina to have ensured the officers had clear direction and guidance in the preservation of evidence, Sergeant Medina's attention was directed towards the on-going tactical incident related to Crawford.

Captain S. Monico, Serial No. 30364, Commanding Officer, Hollenbeck Patrol Division, was advised and addressed the issues pertaining to Officer Alvarado. He was provided with informal counseling on the topics of preservation of evidence. Additionally, a Supervisory Action Item (SAI) was generated to document the incident into the Learning Management System (LMS). The Commanding Officer of Operations-Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action and, as such, I deem no further action is necessary.

Captain Harrelson, Serial No. 32090, Commanding Officer, Central Patrol Division, was advised of the issues regarding Officer Heistermann, which he addressed through divisional training, documented within LMS. The Commanding Officer of OCB and the Director of OO concurred with this action and as such I deem no further action is necessary.

**Profanity** – The investigation revealed that Officer Carrillo used profanity while ordering Crawford to not move while being taken into custody. Additionally, Officer Alvarado used profanity during the incident; however it was not directed at Crawford. Captain K. Meek, Serial No. 24002, Commanding Officer, ESD, was advised of Officer Carrillo's use of profanity and addressed this issue through the issuance of a comment card. The Commanding Officer of Counter Terrorism Special Operations Bureau (CTSOB) and the Director of the Office of Special Operations (OSO) concurred with this action. As such, I deem no further action is necessary.

**Supervisor Log Discrepancies** – The investigation revealed that Sergeant B. Eldridge, Serial No. 32071, TSD, had minor discrepancies in his supervisor log regarding times and locations for the separation and monitoring of Officers Luna and Nielson. The investigation also revealed that Sergeant A. White, Serial No. 27743, TSD, had a supervisor log with an incorrect date. Captain B. Pratt, Serial No. 26414, Commanding Officer, TSD, was advised and addressed these issues

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<sup>21</sup> In July 2019, the Department published Training Bulletin, Preservation of Evidence Categorical Use of Force Incidents, Volume XLVIII, Issue 4, in direct response to similar occurrences. The bulletin provides guidance to officers and directs them not to handle evidence or manipulate weapons at the scene of a critical incident, absent of exigency.

through informal counseling. The Commanding Officer of Transit Services Group (TSG) and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Detective R. Garret, Serial No. 34491, Foothill Patrol Division, had minor discrepancies in his supervisor log regarding the times for monitoring Officer Nielson. Captain B. Wendling, Serial No. 26929, Commanding Officer, Foothill Patrol Division, was advised and addressed this issue through informal counseling. The Commanding Officer of Operations-Valley Bureau (OVB) and the Director of OO concurred with this action. As such, I deem no further action is necessary.

**Body Worn Video (BWV) Activation** – The investigation revealed that Officers Heistermann, J. Lopez, Serial No. 37646, B. Liu, Serial No. 42407, and G. Ibanez, Serial No. 37695, Central Patrol Division, did not appropriately activate their BWVs.

Officer Heistermann had his BWV powered off. He then powered on his BWV, and attempted to activate his BWV, but the BWV device did not activate. Officer Heistermann later, realizing his BWV was not recording, activated his BWV. The activation occurred after he had already removed the shot shells from Crawford's shotgun and resulting in a late BWV activation.

Officer Lopez activated his BWV late, approximately one minute after he arrived at the location of the incident.

Officers Liu and Ibanez both had their BWV devices powered off and when powered on and activated, had a short buffer of 12 seconds and 13 seconds, respectively.

Captain Harrelson was notified and conducted an analysis of each officers' prior activations of BWV. Captain Harrelson determined that the involved officers did not have a previous history of late activations or short buffers related to BWV. Captain Harrelson addressed these issues through the creation of a Supervisory Action Item (SAI) for each of the above listed officers. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS)/Body Worn Video (BWV)** – TSD officers assigned to overtime details were not equipped with BWV or DICV at the time of the incident.

Responding officers from Central Patrol Division, Rampart Patrol Division, and Metropolitan Division were equipped with DICV and BWV; however, none captured the OIS.

The Department has obtained a grant to fund BWV devices, as well as the associated docks and cell phones, to be utilized by personnel assigned to TSD overtime details. Currently, the installation of the supporting hardware is in progress. The implementation of BWV for full time TSD personnel is anticipated to be initiated in May of 2020. Transit Services Group (TSG) is coordinating a working group to determine any modifications to Department policy which may

be required, in addition to developing the logistical coordination plan required to deploy BWV on personnel assigned to TSD overtime details.

**Outside Video** – Several security cameras captured Crawford's and the officers' movements prior to the OIS. Only a portion of the OIS, however, was captured.

**Chief's Direction**

In order to enhance future performance and to clarify the Department's policy regarding the preservation of evidence at a critical incident, I have advised the Director of Personnel and Training Bureau (PTB) to work with FID to develop a training video regarding the preservation of evidence at a critical incident. On January 8, 2020, Training Division (TD) initiated the video project in collaboration with FID. The video is anticipated to be released in March of 2020.

Respectfully,

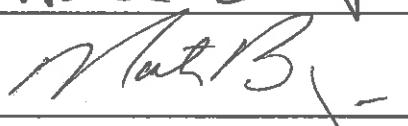
  
MICHEL R. MOORE  
Chief of Police

Date: 2-6-20

LOS ANGELES POLICE DEPARTMENT  
USE OF FORCE REVIEW BOARD REPORT

INC No. 013-19	CF No.	DR No. 19-0111378
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 600 West Hope Street	RD 152	Date of Incident April 14, 2019	Date and Time of Board Review January 06, 2020 12:30 Hours
Chair Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members: 		
Member (Office Representative) Assistant Chief H. Frank, Serial No. 25958			
Member (Police Sciences and Training Bureau) Deputy Chief M. Baeza, Serial No. 26624			
Member (Bureau) Deputy Chief P. Zarcone, Serial No. 36087			
Member (Peer) Officer M Cerniglia, Serial No. 37569			
Presenting Commanding Officer Captain L. Sands, Serial No. 25012			

Notes:

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FEB 18 2020

OFFICE OF THE INSPECTOR GENERAL

Additional Considerations:



Modification to Present Policy, Practices or Training:

POLICE COMMISSION  
RECEIVED  
2020 FEB -6 AM 10: 16

COP Date Signed: 2/6/20

PC Date Submitted: 2/6/20

Employee (Last Name, First, Middle) Luna, Jaime		Serial No. 34651	Rank/Class Police Officer III	Incident No. 013-19
Length of Employment 21 years, 0 months	Current Division Metropolitan	Time in Current Division 11 years, 10 months		
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u>	<u>Tactics</u>	<u>Tactics</u>		
<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		
<u>Drawing and Exhibiting the Firearm</u>	<u>Drawing and Exhibiting the Firearm</u>	<u>Drawing and Exhibiting the Firearm</u>		
<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Lethal Use of Force</u>	<u>Lethal Use of Force</u>	<u>Lethal Use of Force</u>		
<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Less-Lethal Use of Force</u>	<u>Less-Lethal Use of Force</u>	<u>Less-Lethal Use of Force</u>		
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Non-Lethal Use of Force</u>	<u>Non-Lethal Use of Force</u>	<u>Non-Lethal Use of Force</u>		
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
<u>Unintentional Discharge</u>	<u>Unintentional Discharge</u>	<u>Unintentional Discharge</u>		
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		
<u>Other Issues</u>	<u>Other Issues</u>	<u>Other Issues</u>		
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		

Notes:

*S. Jones 3/28/07*

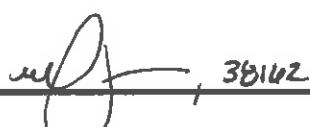
RECEIVED  
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*M.J.* 38142

<u>Final Adjudication for Out of Policy/</u> <u>Administrative Disapproval Finding</u>	Notes:
<input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint	
<input type="checkbox"/> Employee's Work History Reviewed	

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Nielson, Bradley		Serial No. 36445	Rank/Class Police Officer III	Incident No. 013-19
Length of Employment 16 years, 8 months	Current Division Metropolitan	Time in Current Division 4 years, 0 months		
<u>Use of Force Review Board</u>		<u>Chief of Police</u>	<u>Police Commission</u>	
<u>Tactics</u>		<u>Tactics</u>	<u>Tactics</u>	
<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
<u>Drawing and Exhibiting the Firearm</u>		<u>Drawing and Exhibiting the Firearm</u>	<u>Drawing and Exhibiting the Firearm</u>	
<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u>Lethal Use of Force</u>		<u>Lethal Use of Force</u>	<u>Lethal Use of Force</u>	
<input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u>Less-Lethal Use of Force</u>		<u>Less-Lethal Use of Force</u>	<u>Less-Lethal Use of Force</u>	
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u>Non-Lethal Use of Force</u>		<u>Non-Lethal Use of Force</u>	<u>Non-Lethal Use of Force</u>	
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u>Unintentional Discharge</u>		<u>Unintentional Discharge</u>	<u>Unintentional Discharge</u>	
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
<u>Other Issues</u>		<u>Other Issues</u>	<u>Other Issues</u>	
<input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Notes: 				
 2020 FEB - 6 AM 10: 16				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u>		Notes: 		
<input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint  <input type="checkbox"/> Employee's Work History Reviewed				

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.